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11 *Attorney for Petitioner **Matthew Washington**

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIAM GITTERE, WARDEN et al.,

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Respondents.

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Case No. 2:19-cv-00614-RFB-BNW

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**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
SECOND AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

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(First Request)

1 COMES NOW, **Petitioner Matthew Washington**, by and through his
2 counsel of record **Jason F. Carr**, Assistant Federal Public Defender, hereby moves
3 this Court for an enlargement of time of sixty-three (63) days—from October 15, 2019,
4 TO December 17, 2019—to file a Second Amended Petition for Writ of Habeas Corpus.

5 On May 28, 2019, this Court issued An order provisionally appointing the
6 Office of the Federal Public Defender to represent Petitioner Washington. (See ECF
7 No. 7.). On June 13, 2019, counsel entered his appearance. (See ECF No. 12).

8 On June 17, 2019, this Court accepted Washington’s First Amended Petition,
9 envisioned by counsel to be a protective petition, and granted Washington’s request
10 to file a Second Amended Petition. (See ECF No. 14; *see also* ECF No. 15 (First
11 Amended Petition).) The June 17, 2019 Order allowed counsel until October 15, 2019
12 to make that filing.

13 In this unopposed Motion, Washington seeks a sixty-three-day extension of
14 time thereby rendering his Second Amended Petition due on **December 17, 2019**.

15 Washington submits this additional time is necessary in order to effectively
16 and thoroughly prepare his case. Specifically, that counsel has been unable to acquire
17 all of prior counsels’ files. Although this situation will soon be rectified, counsel still
18 does not have all of Washington’s file.

19 That counsel must have an initial meeting with Washington before filing his
20 petition. The ability to do this has been delayed because the Nevada Department of
21 Corrections has granted Washington’s request to be transferred from a facility in Ely,
22 Nevada, to its High Desert facility, located near Indian Springs, Nevada.

23 That Washington is still litigating and exhausting claims in state court. On
24 September 23, 2019, a Clark County, Nevada, district court entered a final written
25 order his post-conviction petition. Washington is in the process of mailing his pro se
26 notice of appeal to appeal that order. It is reasonable to await the results of that
27 litigation before filing an amended petition.

1 On October 15, 2019, I contacted counsel for the Respondents, Erica Berrett,
2 Deputy Attorney General, regarding this motion. The State of Nevada does not object
3 to this request. The State, however, waives no other rights by extending this
4 professional courtesy. Petitioner's extension does not signify an implied basis for
5 tolling any applicable period of limitations or the waiver of any other procedural
6 defense. Petitioner at all times remains responsible for calculating any limitations
7 periods and understands that, in granting an extension request, the Court makes no
8 finding or representation that the petition, any amendments thereto, and/or any
9 claims contained therein are not subject to dismissal as untimely.

10 Washington submits this motion in the interests of justice in order to assure
11 counsel has adequate time to acquire the relevant files and confer with Washington
12 before this important filing. I respectfully request that this Court grant the request
13 for an extension of time to file Washington Second Amended Petition for Writ of
14 Habeas Corpus to **Tuesday, December 17, 2019**, to ensure the effective and
15 thorough representation of Mr. Washington.

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Dated this 15th Day of October 2019.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ *Jason F. Carr*

JASON F. CARR
Assistant Federal Public Defender

IT IS HEREBY ORDERED THAT PETITIONER WASHINGTON
SHALL FILE HIS SECOND AMENDED PETITION NO LATER THAN
DECEMBER 17, 2019. IT IS SO ORDERED:

IT IS SO ORDERED:

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

DATED this 16th day of October, 2019.

CERTIFICATE OF SERVICE

I hereby certify that on **October 15, 2019**, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: **Deputy Attorney General Erica Berrett**

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Matthew Washington
No. 1061467
Ely State Prison
PO Box 1989
Ely, NV 89301

/s/ *Jessica Pillsbury*
An Employee of the
Federal Public Defender